

II. Information Disclosure Statements

The Examiner has again requested that Applicants provide a copy of the PTO-1449 form citing the references for the IDS submitted on February 14, 2001. Rather than resubmit a copy of the requested PTO 1449 form, applicant included the references cited therein in the Response filed on January 2, 2003. The Examiner is respectfully requested to initial that PTO 1449 and return it to the undersigned. The Examiner is invited to contact Louis Troilo at (202) 408-6020 if she needs another copy of the IDS filed on January 2, 2003 and/or PTO-1449 form.

III. Rejection Under 35 U.S.C. §102

The Examiner has maintained the rejection of claims 33-38 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,273,819 to Schmidle et al. ("Schmidle"). Applicants continue to respectfully traverse this rejection for the reasons of record, which are expanded on below.

As the prosecution history makes clear, Schmidle proposes performing mechanical embossing on a gelled or pre-cured wear layer. Schmidle teaches that, unlike claims 33-38, mechanical embossing is performed prior to chemical embossing. The Examiner "agrees that Schmidle does not teach a product on which mechanical embossing is performed on a cured wear layer or after chemical embossing." Office Action at 3. Indeed, the Examiner has allowed claims 21-32, 39, and 40 for this reason.

Id.

In maintaining the rejection of claims 33-38, however, the Examiner asserts that "claims 33-38 do not expressly recite a product on which mechanical embossing is performed on a cured wear layer or after chemical embossing." *Id*

Applicants respectfully disagree. Claim 33, recites:

33. A floor covering comprising:
a chemically embossed portion; and
a mechanically embossed portion,
wherein said chemically embossed portion has at
least one chemical emboss depth that is greater than the
mechanical emboss depth of any portion of said
mechanically embossed portion, and
**wherein said chemically embossed portion is
embossed prior to said mechanically embossed portion.**

(emphasis added).

Contrary to the Examiner's assertion, claim 33, and thus each claim dependent therefrom, expressly recite a product on which the chemically embossed portion is embossed prior to the mechanically embossed portion. In other words, mechanical embossing is performed after chemical embossing. Accordingly, each and every requirement of claims 33-38 is not disclosed in Schmidle, which admittedly does not teach a product on which mechanical embossing is performed after chemical embossing, as claimed. For these reasons, Applicants respectfully request that the rejection under section 102 over Schmidle be withdrawn.

IV. Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration of the application and timely allowance of the pending claims. Please grant any necessary extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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Date: June 12, 2003

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